

**[Waiver 1996-7]**

August 2, 1996

TO: Claire F. Funkhouser, Chair  
Commission on People with Disabilities

FROM: Laurie Horvitz, Chair  
Montgomery County Ethics Commission

Re: Request for Waiver

Your request for a waiver has been reviewed by the Montgomery County Ethics Commission. You have provided the following information.

You are a member and Chair of the Commission on People with Disabilities. You serve as an organizational representative for the Montgomery County Autism Society. You are deeply familiar with the topics confronting the Commission because you are the parent of an autistic child.

As a member of the Commission on People with Disabilities, you are subject to the Montgomery County Ethics Law, even though you receive no compensation for your services. See Article 19A-4(m) of the Montgomery County Code. You need a waiver of Section 411 of the County Charter and of 11B-52 of the County Code because you also have a personal services contract with the County Department of Health and Human Services. Under the contract, you work as a staff person to the Collaboration Council for Children, Youth and Families. According to the information provided, you have no responsibility over the County's programs or finances.

The Commission has determined that a waiver may be granted because you have satisfied the waiver requirements of Section 19A-8(a) of the Montgomery County Ethics Law. The Commission concluded that you have met the following three criteria:

- (1) the best interests of the County would be served by granting the waiver;
- (2) the importance to the County of a public employee performing his or her official duties outweighs the actual or potential harm of any conflict of interest; and
- (3) granting the waiver will not give a public employee an unfair advantage over other members of the public.

Section 19A-8(a) of the Montgomery County Ethics Law.

The best interests of the County will be served by granting your waiver because the County can retain your expertise on the Commission and gain the additional benefit of your assistance with the Collaboration Council. The Director of the Department of Health and Human Services, Charles Short, has expressed support for the waiver.

The second criterion is also satisfied. The performance of your duties on the Commission will remain separate from those with the Collaboration Council. Mr. Short has stated that your two roles with the County are not likely to present any conflict. As you have explained, you will recuse yourself from matters that may create a conflict.

Finally, granting the waiver will not provide you with an unfair advantage over other members of the public. Both of these positions relate to your extensive professional and personal experiences. In addition, you will not be using one position to advance the interests of the other position. Therefore, the third criterion has been satisfied.

If you have any questions regarding this waiver, please do not hesitate to contact the Commission.

cc: Barbara McNally, Executive Secretary, Montgomery County Ethics Commission